

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA
ANDERSON/GREENWOOD DIVISION

Antonio Johnson, #39209,)	Civil Action No.: 8:08-3529-HFF-BHH
)	
Plaintiff,)	
)	
vs.)	<u>REPORT AND RECOMMENDATION</u>
)	<u>OF MAGISTRATE JUDGE</u>
Lieutenant Curtix Bufford, Alvin S.)	
Glenn Detention Center;)	
Kevin Williams, Alvin S. Glenn)	
Detention Center, official and)	
individual capacity,)	
)	
Defendants.)	

The plaintiff brought this action seeking relief pursuant to Title 42, United States Code, Section 1983. On January 12, 2009, an Order ruling on the Report and Recommendation and remanding the case back to the magistrate for service was mailed to the plaintiff's last known address at the Alvin S. Glenn Detention Center. The envelope containing this order was returned to the court as the plaintiff is apparently no longer incarcerated at the Alvin S. Glenn Detention Center. A search of the SCDC website by the clerk's office revealed another address for an Antonio Johnson at the Wateree River Correctional Institution. While it was not clear if it was the plaintiff, another attempt was made to mail the order to the plaintiff at the Wateree River Correctional Institution. The envelope containing this order was also returned as undeliverable.

The record reveals that the plaintiff was advised by order dated October 23, 2008 and January 13, 2009, of his responsibility to notify the court *in writing* if his address changed.

Based on the foregoing, it appears the plaintiff no longer wishes to pursue this action. Accordingly, it is recommended that this action be dismissed *with prejudice* for lack

of prosecution and for failure to comply with this Court's orders, pursuant to Rule 41(b) of the Federal Rules of Civil Procedure and the factors outlined in *Chandler Leasing Corp. v. Lopez*, 669 F.2d 919, 920 (4th Cir.1982). See *Ballard v. Carlson*, 882 F.2d 93 (4th Cir. 1989).

s/Bruce H. Hendricks
United States Magistrate Judge

March 5, 2009

Greenville, South Carolina